

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 7945 of 1992****With****SPECIAL CIVIL APPLICATION No. 8435 of 1992****With****SPECIAL CIVIL APPLICATION No. 2094 of 1993****For Approval and Signature:****HONOURABLE MR. JUSTICE K.A. PUJ**

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1 Whether Reporters of Local Papers may
be allowed to see the judgment ?

2 To be referred to the Reporter or not
?

3 Whether their Lordships wish to see
the fair copy of the judgment ?

Whether this case involves a
substantial question of law as to the
4 interpretation of the constitution of
India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the
civil judge ?

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C.T. GURURAJA RAO - Petitioner(s)**Versus****STATE OF GUJARAT & 1 - Respondent(s)**

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Appearance :

MR YN OZA for Petitioner(s) : 1,

MR L B DABHI Ld.AGP for Respondent(s) : 1,

RULE NOT RECD BACK for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 21/02/2006

ORAL JUDGMENT

In all these three petitions, common issue is involved and hence, the same are being disposed of by this common judgment.

2. The petitioners have prayed for quashing and setting aside the orders of suspension and direction to the respondents to continue the petitioners with consequential and incidental benefits including full backwages and continuity of service. The petitioners have also prayed for an interim relief seeking stay against the operation, implementation, execution and enforcement of the impugned suspension orders.

3. In S.C.A.No.7945 of 1992, the Court has issued notice and ad-interim relief was granted in terms of Para:11(c) of the petition subject to the rider that it would be open for the respondents to effect transfer of the petitioner, if thought fit.

4. In S.C.A.No.8435 of 1992 this Court has issued notice on 01.12.1992 and ad-interim relief was granted in terms of Para:-22(c) of the petition.

5. In S.C.A.No.2094 of 1993, ad-interim relief was granted in terms of Para:9(c) of the petition subject to the rider that it would be open for the respondents to effect the transfer of the petitioner if thought fit.

6. All these three petitions were admitted and rule was issued therein on 21st July, 1993. The Court has observed that since all these matters have witnessed interim relief for period more than a year, there is no reason as to why the same should not be continued till further orders. Hence, ad-interim relief, which has been granted in each of these matters, was ordered to be continued till further orders.

7. Mr. A.R.Kapadia, learned advocate appearing for Mr.Y.N.Oza, for the petitioner in all these

petitions, has submitted that suspension in each of these matters was stayed and its execution, operation, implementation and enforcement was stayed and the respondents were directed to reinstate/continue the petitioners. Hence, the orders of suspension have not been given effect. It is true that the petitioners were charged of grave misconduct amounting to lack of integrity. However, since the orders of suspension have not been operated for nearly 14 years, there is no justification in permitting the orders to be operated at this belated stage.

8. All these petitions are therefore allowed. Rule issued in each of these petitions, are made absolute in terms of interim relief without any order as to costs. Petitions are disposed of accordingly.

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(K.A.PUJ, J.)